

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 23-cv-20613-BLOOM

CHRISTOPHER WILLIAMS,

Plaintiff,

v.

JPAY INCORPORATED LLC,

Defendant.

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ORDER DISMISSING COMPLAINT

THIS CAUSE is before the Court upon a *sua sponte* review of the record. On February 15, 2023, Plaintiff Christopher Williams docketed a Complaint for Violation of Civil Rights, 42 U.S.C. § 1983, ECF No. [1] (“Complaint”). As of the date of this order, Plaintiff has not paid the \$402 filing fee (\$350 + \$52 administrative fee) or filed a motion for leave to *proceed in forma pauperis*.

Plaintiffs who cannot pay the filing fee may file a motion for leave to proceed *in forma pauperis* to proceed with their action without initial payment of the fee. *See* 28 U.S.C. § 1915. Section 1915 requires that plaintiffs file a motion for leave to proceed in forma pauperis accompanied by “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” *Id.* at (a)(1). It further requires that a plaintiff “submit a certified copy of the trust fund account statement (or institutional equivalent) for . . . the 6-month period immediately preceding the filing of the complaint” *Id.* at (a)(2). A Plaintiff who is granted *in forma pauperis* status is exempt from

the \$52 administrative fee but remains responsible for payment of the \$350 filing fee. *See id.* at (b)(1).

Pursuant to Federal Rule of Civil Procedure 41(b), a district court may dismiss a complaint for failure to prosecute or failure to comply with a court order or the federal rules. *See Brown v. Blackwater River Corr. Facility*, 762 F. App'x 982, 985 (11th Cir. 2019) (“[A] district court may sua sponte dismiss a suit for failure to prosecute or failure to comply with an order.”). Because Plaintiff failed to pay the filing fee or file a motion to proceed *in forma pauperis* with a supporting financial affidavit and a certified trust account statement, the Complaint is dismissed for failure to prosecute.

Accordingly, it is **ORDERED AND ADJUDGED** that this action is **DISMISSED** without prejudice. The Clerk is **DIRECTED** to close the case.

DONE AND ORDERED in Chambers at Miami, Florida, on February 17, 2023.

A handwritten signature in black ink, appearing to be 'JB' or similar, with a long horizontal stroke extending to the right.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Christopher Williams
K59527
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Inmate Mail/Parcels
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Miami, FL 33194
PRO SE